

a recliner. The recliner was a Christmas present for her son. She acknowledged that the lifting of the recliner was not part of her employment duties.

After describing this conversation with claimant, Mr. Hair then states he had a conversation with Bernie Burghart, the manager, approximately a week after January 27. Mr. Burghart had approached him about his conversation with the claimant. In addition to being uncertain about when Mr. Burghart approached him about his conversation with claimant, Mr. Hair does not describe his conversation with the manager. From the other testimony presented, it appears that if Mr. Hair had accurately described his conversation with claimant, it still would not have been notice of an accidental injury arising out of and in the course of claimant's employment. It would have conveyed information about an injury of lifting a recliner for a personal purpose. The evidence does not, therefore, establish that respondent had actual knowledge of claimant's alleged work-related injury.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated September 14, 1995, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of November 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Randy S. Stalcup, Wichita, Kansas
James McVay, Great Bend, Kansas
John D. Clark, Administrative Law Judge
Philip S. Harness, Director